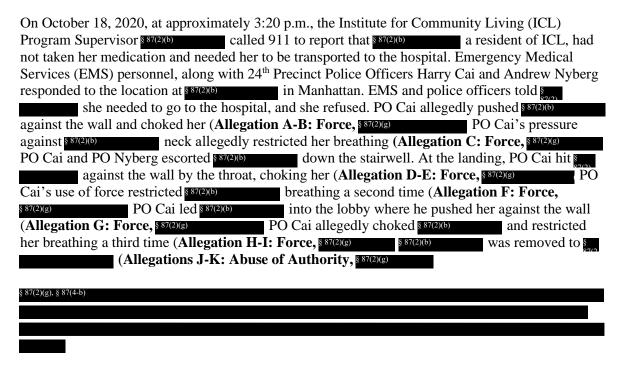
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☑	Force		Discourt.	U.S.
Emily Devaney		Squad #4	202007372	☑	Abuse		O.L.	✓ Injury
Incident Date(s)		Location of Incident:	•	P	recinct:	18	Mo. SOL	EO SOL
Sunday, 10/18/2020 3:20 PM		Inside of § 87(2)(6)			24	4	/18/2022	5/4/2022
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CCI	RB
Sun, 10/18/2020 5:00 PM		IAB	Phone		Fri, 11/06/	2020	10:58 AM	
Complainant/Victim	Туре	Home Addre	ess					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POM Harry Cai	6705	947723	024 PCT					
2. POM Andrew Nyberg	03026	903181	024 PCT					
Officer(s)	Allegatio	on			Inve	stiga	tor Recon	nmendation
A.POM Harry Cai	Force: Po	olice Officer Harry Cai l wall.	hit § 87(2)(b)					
B.POM Harry Cai	Force: Po § 87(2)(b)	olice Officer Harry Cai	used a chokehold aga	ainst	t			
C.POM Harry Cai	Force: Po	olice Officer Harry Cai i breathing.	restricted § 87(2)(b)					
D.POM Harry Cai	Force: Po	olice Officer Harry Cai l wall.	hit § 87(2)(b)					
E.POM Harry Cai	Force: Po § 87(2)(b)	olice Officer Harry Cai	used a chokehold aga	ainst	t			
F.POM Harry Cai	Force: Po	olice Officer Harry Cai i breathing.	restricted § 87(2)(b)					
G.POM Harry Cai	Force: Po	olice Officer Harry Cai l wall.	hit § 87(2)(b)					
H.POM Harry Cai	Force: Po § 87(2)(b)	olice Officer Harry Cai	used a chokehold aga	ainst	t			
I.POM Harry Cai	Force: Po	olice Officer Harry Cai i breathing.	restricted § 87(2)(6)					
J.POM Harry Cai	Abuse: P	olice Officer Harry Cai to the hospital.	forcibly removed 887	7(2)(b)				
K.POM Andrew Nyberg	Abuse: P § 87(2)(b)	olice Officer Andrew N to the hospita		ved				
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								
§ 87(2)(g), § 87(4-b)								

Officer(s)	Allegation	Investigator Recommendation
§ 87(2)(g), § 87(4-b)		

Case Summary

On October 18, 2020, \$87(2)(6) filed this complaint with IAB, who forwarded the complaint to the CCRB on November 6, 2020.

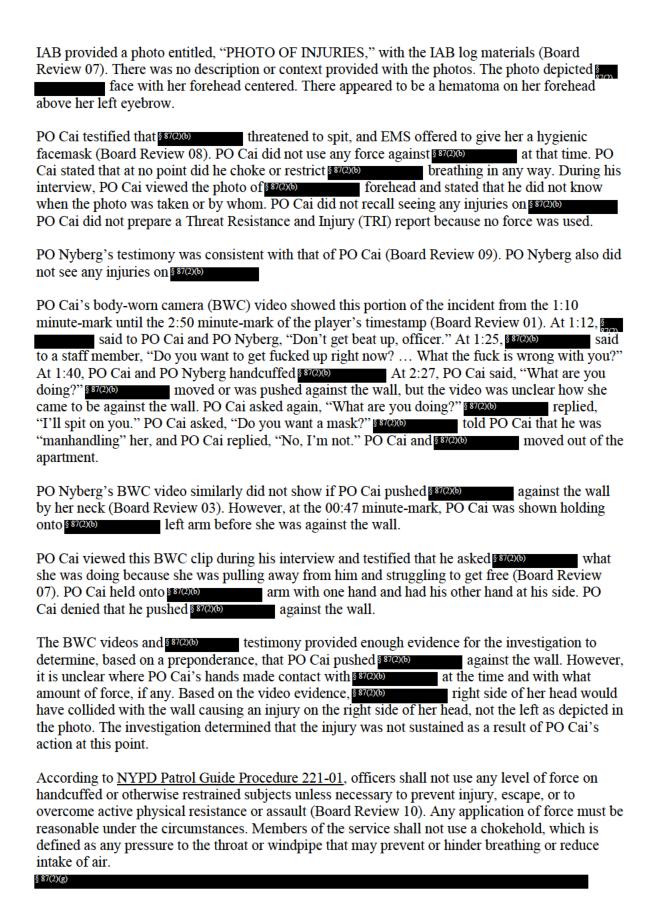


The investigation obtained four body-worn camera (BWC) videos, two from each officer (Board Review 01-04).

Findings and Recommendations

Allegation (A) Force: Police Officer Harry Cai hit 887(2)(b) Allegation (B) Force: Police Officer Harry Cai used a chokehold again	against a wall.
Allegation (C) Force: Police Officer Harry Cai restricted [887(2)(b)]	breathing.
It is undisputed that \$87(2)(b) had not taken her psychiatric medicine called 911 and requested medical attention.	as prescribed. § 87(2)(b)
testified that EMS, officers, and ICL staff members entered that she needed to go to the hospital (Board Review 05). Trail that she was going to hurt him and that she felt like punching his said this because she was angry, and she did not intend to hurt him. PO Ca threat?" and she replied, "Yes." Either PO Cai or PO Nyberg handcuffed he "Why am I in handcuffs? I should spit on you for that." ST(2)(6) said upset but did not intend to spit on the officers. PO Cai put his hands on the neck and pushed her against the wall. The impact with the wall hematoma, on the right side of her forehead. PO Cai held her against the w seconds. PO Cai's force plus (ST(2)(6)) asthma inhibited her breathing told PO Cai. PO Cai escorted her out of the room.	sed her voice and told im. \$\frac{87(2)(b)}{2} only i asked her, "Is that a said, d this because she was a left side of \$\frac{87(2)(b)}{27(2)} ll caused a bump, or wall for approximately 60-
testified that when \$87(2)(b) threatened to spit, PO Cai pus face against the wall with either the palm of his hand or his forearm (Board was in handcuffs at the time.	

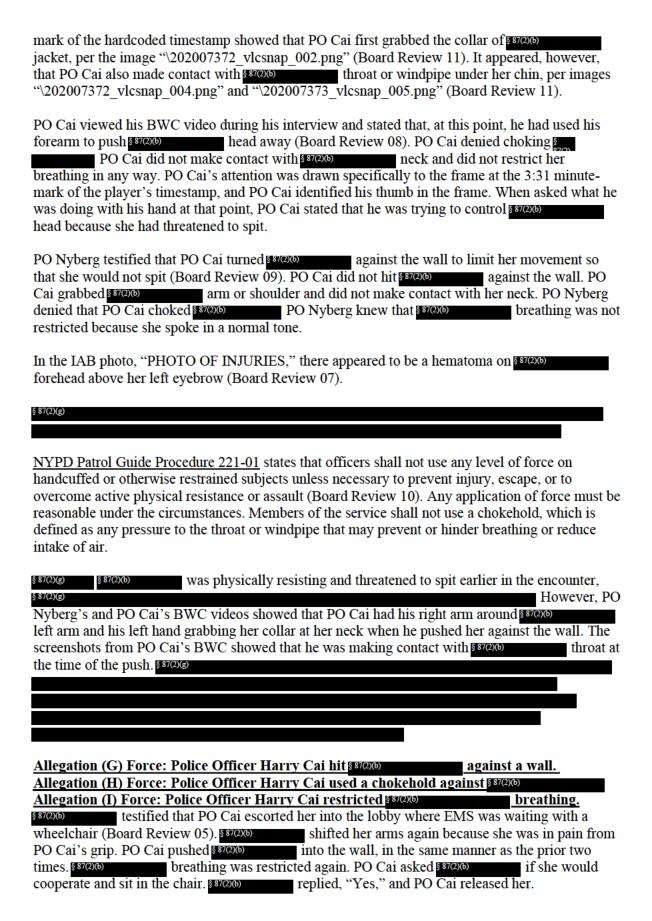
CCRB Case # 202007372

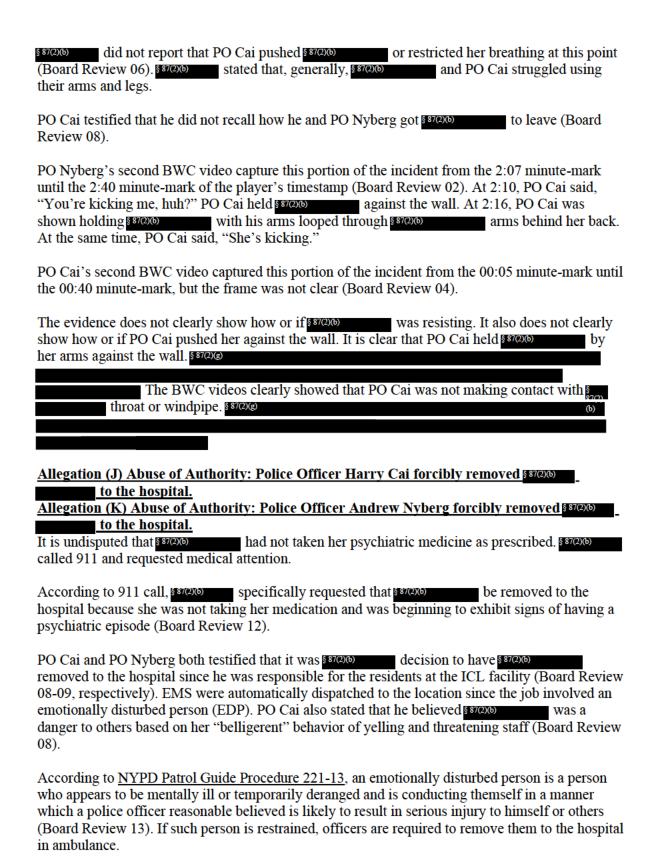


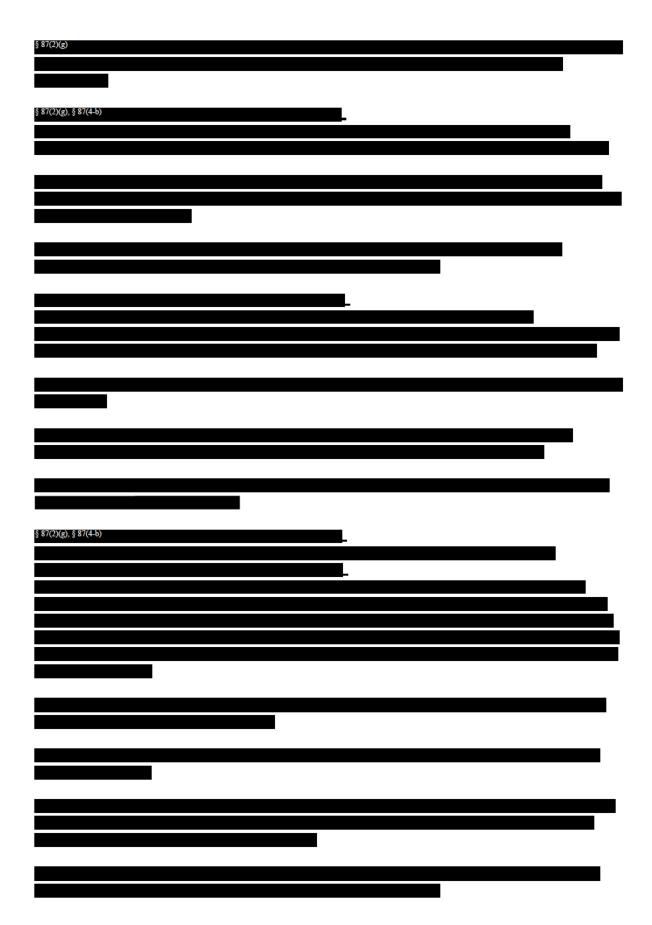
§ 87(2)(g) Since PO Cai
denied pushing her at all, he was unable to provide any explanation to why force was necessary at
that time. § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
2 o 1/5 1/6)
Allegation (D) Force: Police Officer Harry Cai hit \$87(2)(b) against a wall.
Allegation (E) Force: Police Officer Harry Cai used a chokehold against \$87(2)(6)
Allegation (F) Force: Police Officer Harry Cai restricted \$87(2)(6) breathing.
testified that PO Cai gripped her tightly by the wrists as he escorted her down the
stairwell (Board Review 05). This caused her discomfort, and she "wiggled" in attempt to shift her
arms in PO Cai's grasp. § \$7000 was not attempting to resist or flee, merely alleviate the
wrist pain. PO Cai pushed \$870,00 against the wall by the neck, in the same manner as the
first time. \$87(2)(b) struggled to breathe under PO Cai's pressure. \$87(2)(b) said, "I can't
breathe." PO Cai let go of \$87(2)(b) and they continued walking.
struggled against PO Cai by planting her feet and putting her weight against him (Board Review 06). PO Cai pushed (Board Review 06). PO Cai pushed (Board Review 06). PO Cai had his hands on her arms and her head. (Board Review 06). PO Cai made contact with (Board Review 06). PO Cai made contact with (Board Review 06). PO Cai made contact with (Board Review 06). PO Cai pushed (Board Review 06). PO Cai pushed (Board Review 06). PO Cai made contact with (Board Review 06). PO Cai testified that (Board Review 08). (Board Review 08). (Board Review 08). (Board Review 08). (Board Review 06). (Board Revi
think he made contact with second neck. PO Cai did not prepare a TRI report because no force was used.
PO Nyberg's second BWC video showed this portion of the incident from the 1:45 minute-mark until the 2:00 minute-mark of the player's timestamp (Board Review 02). At 1:51, PO Cai and reached the bottom of the stairs, and appeared to pull forward, toward the right of the frame. PO Cai's right arm was wrapped around said, "Oh, you're choking me now." At 1:57, she yells, "Ow!" At 2:00, said, "Oh, you're choking me now."
PO Cai's BWC video depicted this portion of the incident at the 3:30 minute-mark (Board Review 01). At 3:31, PO Cai appeared to grab serious near her neck. The frame moved quickly, and then the video ended

Screenshots captured from PO Cai's BWC video at the 15:34:11 minute-mark and 15:34:12 minute-

Page 3







Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(b) has been a party (Board Review 18).
- PO Cai has been a member of service for 13 years and has been a subject in one additional CCRB complaint and one allegation which was not substantiated (Board Review 19). [87(2)(8)]
- PO Nyberg has been a member of service for 28 years and has been a subject in eight additional CCRB investigations and twelve allegations, of which one was substantiated (Board Review 19):
 - 9600111 involved a substantiated allegation of force against PO Nyberg. The Board did not recommend discipline.

§ 87(2)(g)	

Mediation, Civil, and Criminal Histories

• This complaint was not suitable for mediation.

§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

• \$87(2)(b) filed a Notice of Claim with the City of New York claiming \$1,000,000.00 as redress (Board Review 20). \$87(2)(b)

Squad: 4			
Investigator: _	ENG)	Inv. Emily Devaney	03/18/2022
	Signature Signature	Print Title & Name	Date
Squad Leader: _	Raquel Velasquez	IM Raquel Velasquez	03/18/2022
	Signature	Print Title & Name	Date
Reviewer:			
_	Signature	Print Title & Name	Date